

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

\* \* \*

9	CHARLES CASTON,	)	
10	Plaintiff,	)	2:07-cv-534-JCM-RJJ
11	vs.	)	
12	U.S. NAVY DISCHARGE REVIEW	)	REPORT & RECOMMENDATION
13	BOARD, <i>et al.</i> ,	)	OF UNITED STATES
14	Defendants.	)	<u>MAGISTRATE JUDGE</u>

This matter is before the undersigned Magistrate Judge on the failure of the Plaintiff, Charles Caston to comply with the Court's Order (#2).

1. On May 4, 2007, the Court entered on Order (#2) denying Plaintiff's Motion for Leave to Proceed *In Forma Pauperis* (#1) and further, ordered the Plaintiff to pay the filing fee of #350 in full on or before June 11, 2007. *See*, Order (2) at pg. 1, line 20-21.

2. Plaintiff has not paid the filing fee.

3. Further, the Order (#2) directed Plaintiff to file an amended complaint on or before June 11, 2007.

4. No amended complaint has been filed by the Plaintiff in this case.

Based on the foregoing and good cause appearing therefore,

**RECOMMENDATION**

IT IS THE RECOMMENDATION of the undersigned Magistrate Judge that this case be

**DISMISSED WITH PREJUDICE.**

## **NOTICE**

2 Pursuant to Local Rule IB 3-2 [former LR 510-2] any objection to this Report and  
3 Recommendation must be in writing and filed with the Clerk of the Court on or before January  
4 20, 2008. The Supreme Court has held that the courts of appeal may determine that an appeal  
5 has been waived due to the failure to file objections within the specified time. Thomas v. Arn,  
6 474 U.S. 140 (1985), reh'g denied, 474 U.S. 1111 (1986). This Circuit has also held that (1)  
7 failure to file objections within the specified time and (2) failure to properly address and brief the  
8 objectionable issues waives the right to appeal the District Court's order and/or appeal factual  
9 issues from the order of the District Court. Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991); Britt  
10 v. Simi Valley United Sch. Dist., 708 F.2d 452, 454 (9th Cir. 1983).

11 || DATED this 4<sup>th</sup> day of January, 2008.

Robert J. Johnston  
ROBERT J. JOHNSTON  
United States Magistrate Judge